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OCT 20 2006

Mr. John Pertgen  
International Association of Drilling Contractors  
P.O. Box 4287  
Houston, TX 77042

Dear Mr. Pertgen:

We reviewed your July 17, 2006 letter which sought amplifying information regarding the recent legislative amendments to Title 46, United States Code (46 U.S.C.) 8106 that permits the use of Riding Gangs on certain U.S. flag vessels. The requested clarification is provided below:

- a. Regarding the interpretation of "... freight vessels of the United States on voyages covered by the International Convention for Safety of Life at Sea [SOLAS]...": As discussed in the Senate Conference report on the Coast Guard Authorization Act of 2006, Congress intended to restrict the use of riding gangs to those applicable U.S. flag vessels that are on international voyages. While the Coast Guard believes the intent of the legislation is clear, we understand the point of your letter. Rather than address the issue on an individual basis the Coast Guard anticipates providing guidance on "Riding Gangs" to the entire regulated public through a more formal process.
- b. Regarding the inclusion of industrial personnel, employed on Mobile Offshore Drilling Units or Industrial vessels, under the definition of Riding Gang Member in 46 U.S.C. 2101(26a): The new legislation contained at 46 U.S.C. 8106(a) explicitly applies the provisions of the statute only to freight vessels. The use of the term Industrial Personnel is limited to vessels classified as an Industrial Vessel or a Mobile Offshore Drilling Unit (MODU). Industrial personnel by definition are "persons carried on board an industrial vessel (46 CFR 90.10-15). Industrial vessel is defined at 46 CFR 90.10-16, and specifically excludes vessels that carry "freight for hire." Likewise, Industrial Personnel are defined in 46 CFR 107.113 as personnel on board a MODU. A MODU is a separate and distinct vessel from a freight vessel. Accordingly, Industrial personnel employed on a certificated Industrial Vessel or MODU by definition cannot be considered a Riding Gang Member.

If you require additional clarification or assistance on this issue, please contact LCDR Michael R. Leon Guerrero at (202)372-1216 or via email at [Michael.R.LeonGuerrero@uscg.mil](mailto:Michael.R.LeonGuerrero@uscg.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "R.M. Gauvin".

R. M. GAUVIN  
U.S. Coast Guard  
Acting Chief, Office of Vessel Activities  
By direction

Copy: G-LMI